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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION No. 3661 **/2006**

SINGLE BENCH

PETITIONER : Dhansit Tirki, S/o. Late Harsai, Aged about- 53 years, working as Headmaster, Govt. Primary School Kachhardih, Block- Batauli, District- Surguja (Chhattisgarh).

P.R. No. 3240/06
Presented by Shri Mahendra Dubey
dated 19/12/06

VERSUS

RESPONDENTS :

1- State of Chhattisgarh, Through: The Secretary, Department of School Education, Mantralaya D.K.S. Bhawan, Raipur (C.G.).

2- District Education Officer, Ambikapur, District- Surguja (C.G.).

3- District Collector, Ambikapur, District- Surguja (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT IN THE NATURE OF MANDAMUS, CERTIORARI ETC. OR DIRECTION / ORDER OF LIKE NATURE ETC.

(29)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 3661/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

25.8.2006

Shri Mahendra Dubey, Advocate for the petitioner.

Shri G.K. Beriwal, Dy. A.G. for the State on advance copy.

Heard.

By the instant petition the petitioner has challenged his transfer order dated 7.7.2006 whereby he has been transferred from Government Primary School, Ghutarapara, Block Batauli, Sarguja to at the disposal of District Education Officer, Block Ramanujganj, Sarguja showing him as Assistant Teacher.

The main grievance of the petitioner is that he is not working as Assistant Teacher, infact, he is working as Head Master, Government Primary School, Kachhardih, Block Batauli, Sarguja and a certificate (Annexure P-5) to that effect has also been issued by the Assistant Block Education Officer, Area Batauli, Sarguja.

When the petitioner is working as Head Master how he can be transferred showing himself as Assistant Teacher, therefore, the impugned order is passed on the wrong foundation, as such the impugned order dated 7.7.2006 (Annexure P-1) in respect of the petitioner herein is liable to be quashed and it is hereby quashed. However, it is made clear that the respondents are not precluded from passing any order in accordance with law.

With the direction aforesaid, the petition stands disposed of.

In view of above order, M.W.P. No.2845/06 & I.A. No.7067/06 stand disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge